THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE D.V.S.S. SOMAYAJULU

A.S. No.434 of 2001

DATED:12-04-2018

Between:

The Revenue Divisional Officer-cum-
Land Acquisition Officer,
Cuddapah … Appellant

And

Dr. Peddaballi Yerramgondigari
Subbareddy … Respondent

COUNSEL FOR THE APPELLANT: G.P. for Appeals (AP)

COUNSEL FOR THE RESPONDENT: None appeared

THE COURT MADE THE FOLLOWING:

JUDGMENT: *(per the Hon'ble Sri Justice C.V. Nagarjuna Reddy)*

This is a needless appeal filed by the State against award and decree dt.31.07.2000 in O.P. No.20 of 1999 on the file of the Senior Civil Judge, Cuddapah, whereby he has fixed the market value of the land including all the statutory benefits at Rs.50,000/- per acre, on the concession given by the learned Government Pleader. Indeed, the concession was based on notice dt.30.08.1996 addressed by the Joint Collector to the respondent-claimant offering to pass a consent Award by fixing the market value at Rs.50,000/- per acre, inclusive of all benefits. Having thus committed themselves to pay a sum of Rs.50,000/- per acre, the Land Acquisition Officer went back on the promise and fixed the market value at Rs.20,000/- per acre. Obviously realizing the unreasonableness in denying the just compensation to the respondent as offered by the Joint Collector himself in the aforementioned notice dt.30.08.1996, the Government Pleader has conceded, evidently on the instructions of the appellant, for fixing the market value at Rs.50,000/- per acre with all the statutory benefits. Having thus conceded, it does not lie in the mouth of the appellant to file the appeal.

Therefore, both on merits and also by applying the doctrine of waiver, this appeal is dismissed.

As a sequel to dismissal of the appeal, interim order dt.05.12.2001 granted in C.M.P. No.22895 of 2001 shall stand vacated and the said application shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

D.V.S.S. SOMAYAJULU, J

12-4-2018

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HIGH COURT OF JUDICATURE AT HYDERABAD FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
सत्यमेव जयते